MOTOROLA

FAX TRANSMITTAL SHEET

Motorola, Inc.
Intellectual Property Section
Law Department
Law Department
8000 W. Sunrise Blvd.
Ft. Lauderdale, Florida 33322

Telephone: 954-723-6449
Facsimile: 954-723-5599

11 Number of Pages (including this page)

Date: November 23, 2005

To: MAIL STOP APPEAL BRIEF - PATENTS

Location: United States Patent and Trademark Office

Fax No.: 571-273-8300 Centralized Facsimile

From: Scott M. Garrett - 39,988

Subject: 10/082,006 Confirmation No.: 1901

MESSAGE: Enclosed herewith, please find:
8 page conforming appeal brief for filing in the appeal of the final rejection of the below-identified application;
1 page transmittal; and
1 page fee transmittal.

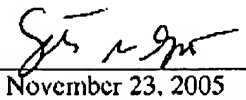
EXAMINER:	Erika A. Gary
GROUP ART UNIT:	2681
SERIAL NO.:	10/082,006
FILED:	FEBRUARY 23, 2002
INVENTOR:	CHARBEL KHAWAND

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/082,006
		Filing Date	February 23, 2002
		First Named Inventor	Charbel Khawand
		Group Art Unit	2681
		Examiner Name	Erika A. Gary
Total Number of Pages in this Submission	10	Attorney Docket Number	CM03418J

ENCLOSURES (check all that apply)

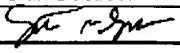
☐ Fee Transmittal Form	☐ Drawing(s)	☐ After Allowance Communication to Group
☐ Fee Attached	☐ Licensing-Related papers	☐ Appeal Communication to Board of Appeals and Interferences
☐ Amendment/Reply	☐ Petition	☒ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
☐ After Final	☐ Petition to Convert to a Provisional Application	☐ Proprietary Information
☐ Affidavits/Declaration(s)		☐ Status Letter with appropriate copies
☐ Extension of Time Request	☐ Power of Attorney, Revocation, Change of Correspondence Address	☐ Other Enclosure(s) (please identify below)
☐ Express Abandonment Request	☐ Terminal Disclaimer	
☐ Information Disclosure Statement	☐ Request for Refund	
☐ Certified Copy of Priority Documents	☐ CD, Number of CDs ____	
☐ Response to Missing Parts/ Incomplete Application	Remarks	
☐ Response to Missing Parts Under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Scott Garrett	Registration No.	39,988
Signature			
Date	November 23, 2005		

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date listed below:

Typed or printed name	Scott M. Garrett		
Signature		Date	November 23, 2005

FEE TRANSMITTAL

Patent fees are subject to annual revision

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 500.00

RECEIVED
CENTRAL FAX CENTER
NOV 23 2005

Complete if Known	
Application Number	10/082,006
Filing Date	February 23, 2002
First Named Inventor	Charbel Khawand
Examiner Name	Erika A. Gary
Group Art Unit	2681
Attorney Docket No.	CM03418J

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 502117
Deposit Account Name: Motorola, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fees(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)		Fee Paid
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) ($) 0

2. EXTRA CLAIM FEES

		Previously Paid**		Extra Claims		Fee from below		Fee Paid
Total Claims		20	=		X	18	=	
Independent Claims		3	=		X	88	=	
Multiple Dependent						300	=	

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	* Reissue independent claims over original patent
1205	18	2205	9	*Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($) 0

**or number previously paid, if greater; For Reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	
1051	130	2051	65	Surcharge – late filing fee or oath	
1052	50	2052	25	Surcharge – late Provisional filing	
1053	130	1053	130	Non-English specification	
1812	2520	1812	2520	For filing a request for ex parte Reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	960	2253	490	Extension for reply within third month	
1254	1530	2254	765	Extension for reply within fourth month	
1255	2060	2255	1040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	$ 500
1403	300	2403	150	Request for oral hearing	
1451	1510	1451	1510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive – unavoidable	
1453	1370	2453	685	Petition to revive – unintentional	
1501	1370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(i)	
1806	180	1806	180	Submission of IDS	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

SUBTOTAL (3) ($) 500

* Reduced by Basic Filing Fee Paid

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Scott M. Garrett	Registration No.	39,988	Telephone	954-723-6449
Signature		Date	November 23, 2005		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

Ex Parte:	CHARBEL KHAWAND
Application Number:	10/082,006
Filing Date:	February 23, 2002
Title:	METHOD OF MONITORING A BROADCAST CHANNEL FOR A PAGE AT A MOBILE COMMUNICATION DEVICE
Confirmation No.	1901
Group:	2681
Examiner:	ERIKA A. GARY
Atty Docket No.	CM03418J

BRIEF ON BEHALF OF APPELLANTS UNDER 37 CFR 41.37

Scott M. Garrett
Attorney of Record

Motorola, Inc.
Intellectual Property Section
Law Department
8000 W. Sunrise Blvd.
Plantation, FL 33322
Telephone: 954-723-6449
Facsimile: 954-723-3871

TransmissionDate: November 23, 2005

CONTENTS

I. REAL PARTY IN INTEREST

The name of the real party in interest for purposes of this appeal is Motorola, Inc., a Delaware corporation.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals of interferences known to the Applicant, the Applicant's legal representative, or assignee which would directly affect or be directly affected by or having a bearing on the Board's decision in this pending appeal.

III. STATUS OF CLAIMS

Claims 1-7 remain in the application. Claims 1-7 are being appealed. Claims 1-7 stand or fall together. In the final Office Action dated May 23, 2005, claims 1-7 were finally rejected under 35 U.S.C. § 103(a) as being obvious under Wan (US 6,240,288) in view of Sun (US 6,295,311).

IV. STATUS OF AMENDMENTS

A Response after a first Office Action was filed March 10, 2005. Applicant amended independent claim 1 and dependent claim 5 to overcome a rejection based on Wan. A Final Rejection was issued on May 23, 2005 maintaining the rejection of all claims over Wan in view of Sun.

V. SUMMARY OF CLAIMED SUBJECT MATTER

A method of monitoring a broadcast channel (106) at a mobile communication device (102) allows the mobile communication device to conserve stored battery energy by reducing the frequency of instances where the mobile communication device must check the broadcast channel for page alerts. Upon receiving the broad cast signal once (208), the mobile

communication device determines the value of several channel parameters (210). The channel parameter values are then weighted according to their effect on reception quality (212), which results in a signal quality metric (214). The signal quality metric indicates channel integrity. A high channel integrity allows the mobile communication device to wait longer periods of time before next receiving the broadcast channel to check for pages on the assumption that a page is less likely to be missed due to channel errors. Therefore, after the signal quality metric is determined, a time period is selected for when to next receive the broadcast channel (216). FIG. 2 shows an embodiment of the invention, and is described on page 6, line 10 to page 8 line 3.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether Claims 1-7 are patentable under 35 U.S.C. §103(a) over Wan in view of Sun.

VII. ARGUMENT

In response to the first Office Action, Applicant amended claim 1 to include the limitations of "calculating the values of a plurality of channel parameters" and "weighting each of the values of the plurality of channel parameters by applying a scaling factor to provide weighted values." These limitations were not originally claimed, but were described in the specification at, for example, on page 7, lines 2-10. Wan does not show these limitations, as agreed by Examiner in making the final rejection, as stated with regard to item 2 on page 2 of the final rejection. In making the final rejection, Sun was combined with Wan.

Sun is directed at methods and receiving apparatus for estimating phase of noncoherently detected orthogonal signals. The Final Rejection points to the abstract, FIG. 4, and column 2, lines 56-65 as showing Applicant's added claim limitations. Sun samples several signals (column 2, lines 22-30) representative of a transmitted signal, and determines [likelihood] values of these signals. Each of these signals represent a phase variation of the signal being transmitted (column 4, line 42-44). The values are determined using a Walsh transformer, the output of which indicates the measure of confidence that the Walsh codeword corresponds to the transmitted signal (column 5, lines 7-13). Accordingly, it can be seen that the teachings of Sun

may be advantageously used in phase estimation for optimally acquiring a transmitted signal. The "values" used in Sun, however, are unrelated to the "parameters" claimed by Applicant, such as, for example, received signal strength, automatic gain settings, and carrier frequency, as described on page 7, lines 3-5 of the application. Thus, sun does not disclose a "signal quality metric" as claimed by Applicant. The method of Sun could may be used in conjunction with Applicant's claimed invention, but is not a substitute or equivalent thereof.

The Final Rejection further states the Sun suggests combining with Wan by disclosing the phase estimation process of generating values from the Walsh transformer. However, Sun does not suggest an equivalent use of those values to the use of channel parameters claimed by Applicant. One may be motivated to combine Sun with Wan for improved phase estimation, but Sun does not suggest quantifying channel parameters in the way Applicant has claimed: Applicant does not mention or describe phase as a channel parameter, and Sun does not weight received signal strength, automatic gain settings, or frequency because those parameters would have no bearing on phase estimation. Thus, Applicant submits that one of ordinary skill would not be motivated to combine Sun and Wan, but if one did, Applicant's claimed invention would not be realized by such a combination.

Accordingly, Applicant believes claim 1, and therefore claims 2-7, are allowable over Wan in view of Sun.

For the reason set forth above, Applicant submits that claims 1-7 are patentable over Wan and Sun, and request that the Board withdraw the rejection.

Respectfully submitted,
On behalf of Charbel Khawand

by: _____

Scott M. Garrett
Attorney for Applicant
Registration No. 39,988
Phone: (954) 723-6449
Fax: (954) 723-3871

VIII. CLAIMS APPENDIX

This claim listing reflects amendments made in response to the First Office Action.

1. A method of monitoring a broadcast channel for a page at a mobile communication device, comprising:

receiving a broadcast signal in the broadcast channel to check for the page;

calculating the values of a plurality of channel parameters;

weighting each of the values of the plurality of channel parameters by applying a scaling factor to provide weighted values;

determining a signal quality metric by summing the weighted values;

selecting a time period based on the signal quality metric; and

receiving the broadcast again to check for the page only after the time period has passed.

2. A method of monitoring a broadcast channel as defined in claim 1, further comprising placing the mobile communication device into a low power mode between the selecting and receiving the broadcast signal again, the low power mode being characterized by the mobile communication device having a lower rate of power consumption than when receiving the broadcast signal.

3. A method of monitoring a broadcast channel as defined in claim 1, wherein the signal quality metric is determined, at least in part, by the received signal strength.

4. A method of monitoring a broadcast channel as defined in claim 1, wherein the signal quality metric is determined, at least in part, by an automatic gain control setting of a receiver of the mobile communication device.

5. A method of monitoring a broadcast channel as defined in claim 1, wherein the signal quality metric is determined by weighting at least two channel parameters selected from the group consisting of received signal strength of the broadcast signal, automatic gain control setting of a receiver of the mobile communication device, and a correlation value of the broadcast signal.

6. A method of monitoring a broadcast channel as defined in claim 1, wherein if the signal quality metric is below a preselected threshold, the selecting the time period comprises selecting a default time period.

7. A method of monitoring a broadcast channel as defined in claim 1, wherein the selecting the time period based on the signal quality metric comprises selecting the time period in terms of a number of time slots, the time slots defined by an air interface used by the mobile communication device.

IX. EVIDENCE APPENDIX

No evidence has been submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132, entered by the examiner and relied upon by the appellant in the appeal, or relied upon by the examiner as to grounds of rejection to be reviewed on appeal.

X. RELATED PROCEEDINGS APPENDIX

No decisions have been rendered by a court of the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 C.F.R. § 41.37.